



# Application Request for Variance or Appeal to the Zoning Board of Adjustments

## PROCEDURE- REQUEST FOR VARIANCE OR APPEAL TO THE BOARD OF ADJUSTMENTS CITY OF WESTWORTH VILLAGE, TEXAS

1. In accordance with the Local Government Code 221.008, the Board of Adjustment consists of (5) members and all cases must be heard by at least 75% of the members. The Board is a quasi-judicial board. It is not a legislative body with the authority to amend ordinances or create new laws. The Board conducts hearings on matters dealing with the Westworth Village Zoning Ordinance and determines if strict compliance with the ordinance will create a hardship. The Board also considers whether the variance will comply with the spirit and intent of the ordinance. In order for a variance to be granted, all four (4) items (a through d) identified on the application **must** apply. If any of the items do not apply, the Board does not have the ability to grant a variance.
2. The Board also has the authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, decision, or determination made by any administrative official of the City in the enforcement of the Comprehensive Zoning Ordinance. Such appeals must be filed within fifteen (15) calendar days of the rendering of the decision of the administrative official.
3. A pre-filing interview may be held if requested by the applicant or if deemed necessary by the City.
4. The application must be signed by the property owner. If the applicant is not the owner, a notarized document showing authority to request the variance must accompany the application.
5. The following must also accompany the application packet:
  - A. Application fee per current city fee schedule.
  - B. A site plan of the lot showing all property lines as well as a depiction of the requested variance. If a variance from building setback requirements is requested, the site plan must be stamped by a licensed surveyor.
6. Application fee and necessary documents in completed form must be submitted to the Permits Department. If any of the supporting documents are larger than 17 x 11 inches. An electronic copy must be submitted. This copy may be provided on CD or through email as an attachment.
7. After the above items have been completed, the variance request will begin the following process:
  - A. The applicant and property owners within 200 feet of the property where the variance is requested will be notified of a Public Hearing to be held by the Board of Adjustment.
  - B. Notice shall also be published in the official local newspaper before the fifteenth (15th) calendar day prior to the public hearing and the actual cost of publication are due upon notification by the City.
  - C. The applicant or representative must be present at the Board of Adjustment Public Hearing. Failure to attend the Public Hearing will cause the Board to deny the item without prejudice to re-filing. The letter referenced in 7.A. above will service as notification of any hearing.
  - D. Persons who are in favor or who oppose the request are allowed to appear before the Board in order to present their views.
8. Any additional information such as renderings, elevations, models, or other supporting documents that you wish to submit may be introduced at the meeting.

**According to state law, no variance can be granted without the concurring vote of at least 75% of the members of the Board.**





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City of Westworth Village – Permits Department: 817-710-2506  
311 Burton Hill Rd., Westworth Village, TX 76114

Date: \_\_\_\_\_

I, the undersigned owner or authorized agent of the following described real property located in the City of Westworth Village, hereby make application for a variance request in accordance with section 14.2.21 of the Westworth Village Code of Ordinances.

### Location of Property

Street Address: \_\_\_\_\_

Legal Description: Lot #: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

For a variance to be granted by the Board of Adjustment, the Board **must** determine that **all** of the following conditions apply. Provide an explanation as to how your proposal meets all for these conditions:

1. *What are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive you from the reasonable use of your land?*

\_\_\_\_\_

2. *Describe how the circumstances or conditions are not economic hardships created by you.*

\_\_\_\_\_

3. *How is the variance necessary for the preservation and enjoyment of your substantial property right?*

\_\_\_\_\_

4. *How can you ensure that the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area?*

\_\_\_\_\_

5. *How can you ensure that the granting of the variance will not have an adverse effect on surrounding properties, preventing the use and enjoyment of other land within the area and that the public health, safety and welfare may be secured and that substantial justice may be done?*

\_\_\_\_\_

**If there is additional information which you feel would be helpful to the Board in making a decision, please attach the explanation to this application.**

I have read this application form and understand that filing the application and paying the fees does not guarantee an affirmative action by the Board of Adjustment.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant Name (Print)

\_\_\_\_\_  
Applicant's Mailing Address

\_\_\_\_\_  
Applicant's Office Number

\_\_\_\_\_  
Applicant's Cell Number

\_\_\_\_\_  
Applicant's Email Address

RECEIPT

**FOR INTERNAL CITY USE ONLY**

**A. PERMITS DEPARTMENT**

- Application Received by: \_\_\_\_\_ Date: \_\_\_\_\_
- Application Payment Received by: \_\_\_\_\_ Date: \_\_\_\_\_
- Entered into Incode Project Code: \_\_\_\_\_ Date: \_\_\_\_\_
- Routed to City Secretary by: \_\_\_\_\_ Date: \_\_\_\_\_

**B. CITY SECRETARY**

- 200' Letters Mailed & Copied to File by: \_\_\_\_\_ Date: \_\_\_\_\_
- ISD Letters Mailed & Copied to File by: \_\_\_\_\_ Date: \_\_\_\_\_
- Advertised P & Z Public Hearing in Newspaper by: \_\_\_\_\_ Date: \_\_\_\_\_
- Advertised ZBA Public Hearing in Newspaper by: \_\_\_\_\_ Date: \_\_\_\_\_
- Advertised Council Public Hearing in Newspaper by: \_\_\_\_\_ Date: \_\_\_\_\_
- P & Z Date: \_\_\_\_\_  Approved  Denied Any Stipulations? (please attach description)  YES  NO
- ZBA Date: \_\_\_\_\_  Approved  Denied Any Stipulations? (please attach description)  YES  NO
- Council Date: \_\_\_\_\_  Approved  Denied Any Stipulations? (please attach description)  YES  NO

**C. RECORDS DEPARTMENT**

Retention:

- PW5225-03a – Applications for zoning permits or variances – Keep 5 years.
- PW5225-03b - Copies of zoning permits or variances or a log or other form of record evidencing their issuance, showing to whom the permit or variance was issued, the property to which it applies, and the zoning classification. – Keep permanently.